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15 Attorneys for Defendants

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION

19 SIERRA CLUB,)	CASE NO. 17-cv-05273-KAW
)	
20 Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	CONTINUING CASE MANAGEMENT
21 v.)	CONFERENCE
)	
22 U.S. DEPARTMENT OF HOMELAND)	
SECURITY and U.S. CUSTOMS AND)	
23 BORDER PROTECTION,)	
)	
24 Defendants.)	

25
26 Plaintiff Sierra Club ("Plaintiff") and Defendants United States Department of Homeland
27 Security and U.S. Customs and Border Protection ("Defendants"), by and through their respective
28 counsel, make the following representations and stipulate and agree as follows:

1 This case is set for a case management conference on August 21, 2018 before Magistrate Judge
2 Kandis A. Westmore. Dkt. No. 32.

3 On March 26, 2018, the parties agreed to a production schedule that requires Defendants to
4 conduct new searches for documents responsive to Plaintiff's Freedom of Information Act requests
5 using search terms agreeable to both parties. *See* Dkt. No. 30.

6 On May 31, the agency produced about 1,000 pages of documents; on June 25, the agency
7 produced about 1,100 pages; and on July 31, the agency produced about 3,000 pages. All three
8 productions included many pages that were redacted in full or nearly so; and extensive redaction was
9 present throughout. The agency cited various FOIA exemptions or "non-responsive" to justify most
10 redactions, but no other explanation was provided. The primary FOIA exemptions cited were FOIA
11 exemptions (b)(5), (b)(6), and (b)(7)(E).

12 On July 6, counsel for the parties conferred about the documents then produced to date and
13 agreed to continue conferring over the next month to attempt to resolve Sierra Club's concerns about
14 the high level of redaction. On July 19, Sierra Club outlined its concerns in an email to agency's
15 counsel; on August 8, the parties discussed the agency's response, which was subsequently
16 memorialized in writing. Although Sierra Club's concerns have not been fully addressed, the agency
17 has been responsive, and the parties have agreed to continue to confer to attempt to resolve Sierra
18 Club's concerns. In light of these ongoing discussions, the parties agreed that they would jointly move
19 to continue the August 21, 2018 case management conference.

20 Based on the foregoing, the parties respectfully request that the August 21, 2018 case
21 management conference be continued until October 16, 2018.

22 Respectfully submitted,

23
24 Dated: August 13, 2018

SIERRA CLUB ENVIRONMENTAL LAW PROGRAM

25 /s/ Marta Darby

26 MARTA DARBY
27 Attorney for Plaintiff
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Respectfully submitted,

Dated: August 13, 2018

ALEX G. TSE
United States Attorney

*/s/ Julie Bibb Davis
JULIE BIBB DAVIS
Assistant United States Attorney
Attorneys for Defendants

**In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that each signatory has concurred in the filing of this document.*

1 **PROPOSED ORDER**

2 Pursuant to the stipulation by the parties, the Court hereby continues the August 21, 2018 case
3 management conference to October 16, 2018 at 1:30 p.m. before Magistrate Judge Kandis A. Westmore.
4 The parties shall file a joint case management conference statement on or before October 9, 2018.

5 IT IS SO ORDERED.

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7 Dated: 8/14/18


8 THE HONORABLE KANDIS A. WESTMORE
9 UNITED STATES MAGISTRATE JUDGE
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